

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

RECEIVED

MAY 10 2006

AT 8:30 \_\_\_\_\_  
WILLIAM T. WALSH  
CLERK

BROADCOM CORPORATION,

Plaintiff,

ORDER

Civil Action No. 05-3350 (MLC)

v.

QUALCOMM INCORPORATED,

Defendant.

WHEREAS, the parties appeared before the Court on February 22, 2006, for a status conference and at that status conference addressed certain matters relating to discovery, including the parties' dispute over the production of certain documents responsive to QUALCOMM's Requests Nos. 21-24 and 29; and

WHEREAS, at the conference the Court indicated that the documents in dispute were relevant; and

WHEREAS, QUALCOMM has agreed to limit its Requests Nos. 21 and 22 to documents regarding visits related to (a) any mobile wireless technology (i.e., including GSM and CDMA); (b) QUALCOMM; (c) standards setting in any wireless technology; or (d) intellectual property licenses or license terms related to any wireless technology; and

WHEREAS, QUALCOMM has also agreed to limit its Request No. 24 to communications regarding (a) any mobile wireless technology (i.e., including GSM and

CDMA); (b) QUALCOMM; (c) standards setting in any wireless technology; or (d) intellectual property licenses or license terms related to any wireless technology; and

WHEREAS, QUALCOMM has also agreed to limit its Request No. 29 to "all communications between Broadcom (including Broadcom's outside counsel) and third parties regarding any of Broadcom's allegations or any of Broadcom's claims for relief as set forth in its Complaint in this action and any documents that Broadcom intends to use to support any of Broadcom's allegations or any of Broadcom's claims for relief as set forth in its Complaint in this action"; and

WHEREAS, the parties have agreed that Broadcom need not provide Rule 26(b)(5) information ("log") privileged communications that are solely between or among its lawyers or documents that were created by and have only been shared with Broadcom's lawyers, and that Broadcom will produce (or log as to those documents as to which it claims privilege) documents responsive to these requests that have been received by, shown to or otherwise shared with non-lawyers (regardless of whether those documents were created by or also communicated to lawyers); and

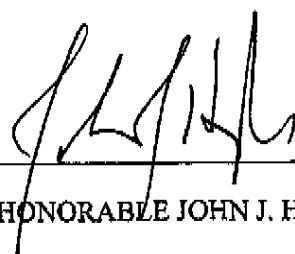
WHEREAS, Broadcom has asked that QUALCOMM produce documents of the type called for by QUALCOMM's Requests Nos. 23 and 29 (and Rule 26(b)(5) information for documents over which QUALCOMM claims privilege) on the same terms and conditions, and QUALCOMM has agreed to do so,

IT IS HEREBY ORDERED THAT:

1. The parties shall produce the documents called for by QUALCOMM's Request Nos. 21-24 and 29, and Rule 26(b)(5) information for those documents over which the parties claim privilege, under the conditions stated above.

IT IS SO ORDERED

DATED: 5/9/06

  
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THE HONORABLE JOHN J. HUGHES